

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

CHINESE PROGRESSIVE ASSOCIATION,
CHINATOWN RESIDENT ASSOCIATION,
CITY LIFE / VIDA URBANA, SIU TSANG,
FUNG YUNG, YAN HUI, MARIA ALTRECHE,

Proposed Plaintiff-Intervenors

v.

CITY OF BOSTON, MASSACHUSETTS; THOMAS M.
MENINO, in his official capacity as
Mayor of the City of Boston;

BOSTON CITY COUNCIL: MICHAEL F.
FLAHERTY, PAUL J. SCAPICCHIO, JAMES M.
KELLY, MAUREEN E. FEENEY, CHARLES C.
YANCEY, ROB CONSALVO, JOHN TOBIN, CHUCK
TURNER, MICHAEL P. ROSS, JERRY P.
MCDERMOTT, FELIX D. ARROYO, MAURA
HENNIGAN, STEPHEN J. MURPHY; BOSTON
ELECTION DEPARTMENT; GERALDINE CUDDYER,
in her official capacity as Chair of
the Boston Election Department,

Defendants.

CIVIL ACTION No.
05-11598WGY

THREE-JUDGE COURT
WGY, SL, PS

CERTIFICATION UNDER L.R. 7.1

I certify that in accordance with Local Rule 7.1, I have attempted to confer with Defendants and have attempted in good faith to resolve the issues addressed in this Application.

Since the initiation of this action, I have tried to participate in Defendants' and Plaintiff's negotiations representing non-party persons of interest, but I have been provided with no information about the negotiations and no opportunity to have input regarding them. This is despite Proposed Plaintiff-Intervenors' obvious significant interest in the outcome of the negotiations. Nadine Cohen with the Lawyer's Committee for Civil Rights asked the parties, on

August 26, 2005, to be a part of a negotiation meeting between Plaintiff and Defendants that was to take place on August 30, 2005. Her request was refused. Based on that refusal, I did not make a separate request, inferring that I would also be denied.

Proposed Plaintiff-Intervenors have repeatedly tried to discuss and resolve the issues of this action with Defendants. On August 15, 2005, Proposed Plaintiff-Intervenor Chinese Progressive Association and other entities concerned with minority voting rights urged Defendants, by letter, to negotiate with Plaintiff.

On August 15, 2005, the Chinese Progressive Association shared information, by letter, about voting problems and possible remedies with Defendants Boston City Council.

Proposed Plaintiff-Intervenors have been excluded from a task force established by Defendants to address voting problems. Defendants announced the creation of the task force on August 3, 2005. The task force has been meeting weekly. Despite attempts by Proposed Plaintiff-Intervenors to join the task force, their participation has not been allowed.

Glenn D. Magpantay, Counsel for Proposed Plaintiff-Intervenors, discussed this action with Defendant Thomas Menino on August 3, 2005. Mayor Menino denied that there were any voting problems in the City of Boston ("City" or "Boston").

Proposed Plaintiff-Intervenors have tried to resolve these issues prior to the filing of this action. On March 14, 2005, Glenn D. Magpantay sent a letter to Defendants about Asian Americans' voting problems in the General Election in Boston on November 2, 2004.

On October 6, 2004, Glenn D. Magpantay sent a letter to Defendants about Asian Americans' voting problems in the recent Primary Election in Boston.

On October 17, 2003, Glenn D. Magpantay sent a letter to Defendants about Asian Americans' voting problems in the recent Primary Election in Boston.

On October 14, 2003, the Chinese Progressive Association shared information about Asian Americans' voting problems and possible remedies with Defendants Boston Election Department.

Despite the above attempts to resolve these issues, I have not been allowed to participate in Defendants' and Plaintiff's negotiations.

Dated: September 9, 2005

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